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THE ANDHRA PRADESH GAZETTE
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AMARAVATI, THURSDAY, DECEMBER 5, 2019

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NOTIFICATIONS BY GOVERNMENT

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**PANCHAYAT RAJ AND RURAL DEVELOPMENT
DEPARTMENT
(VIG.I)**

ALLEGATIONS OF MISAPPROPRIATION OF FUNDS AND ABSCONDED FROM THE DUTIES - DISCIPLINARY PROCEEDINGS INIATED AGAINST Sri P. HIRAM ISREAL, AEE, PR - WSD SUBMITTED - ENQUIRY CONDUCTED COMMUNICATION OF ENQUIRY REPORT - EXPLANATION CALLED FOR.

- Ref : 1. G.O.Rt.No.374, PR&RD (Vig.I) Deptt., Dt: 01.05.2018.
2. From SE, PR, Kakinada, E.G. Dist., Lr.Rc.No.Supdt/769/2001, Dt: 23.06.2018.

Memo.No.7362/Vig.I/2016,- In the reference 1st cited, Government appointed Superintending Engineer, Panchayat Raj, Kakinada, East Godavari District as Inquiry Authority to inquire into the charges framed against Sri P.Hiram Isreal, AEE, PR, in respect of allegations of misappropriation of Government funds in execution of works under EAS Grants and MPLADS and absconded from duties.

In the reference 2nd cited, the Enquiry Officer and Superintending Engineer, Panchayat Raj, Kakinada, East Godavari District, has submitted his enquiry report. A copy of Inquiry report is herewith communicated to Charged Officer Sri P.Hiram Isreal, AEE, PR and he is directed to submit representation, if any, on the enquiry report, within (15) days from the date of receipt of this Memo, failing which, it will be construed that he has no explanation to offer and necessary action will be taken against him based on the material available on record, as per rules.

Date: 04-10-2019.

GOPAL KRISHNA DWIVEDI,
Principal Secretary to Government.

ALLEGATIONS OF MISAPPROPRIATION OF FUNDS AND ABSCONDED FROM THE DUTIES - DISCIPLINARY PROCEEDING INITIATED AGAINST Sri P.HIRAM ISREAL, AEE THE THAN MALKIPURAM - INQUIRY REPORT SUBMITTED.

- Ref : 1) G.O.Rt.No. 374, Dt: 01.05.2018 of the Principal Secretary to Govt., PR & RD (Vig.I) And Endt. to Executive Engineer PRI division Kakinada vide no Supdt/769/2001 Dt: 17.05.2018 by this office.
- 2) This office Notice /769/2001 Dt: 21.06.2018 addressed to EE PRI Kakinada, and to Charged officer.
- 3) Lr. Rc. No. A5/Estt/Inquiry 2018 Dt: 22.06.2018 of Executive Engineer, PRI division Kakinada (Presenting Officer).

Lr.Rc.No.Supdt/769/2001,- I submit that, I (B.V.S. Chiranjeevi) was appointed as Enquiry Officer in the capacity of Superintending Engineer, PR Circle, Kakinada vide ref. 1st cited, under rule 20 (2) of Andhra Pradesh Civil Services (Classification control and appeal) Rules 1991 to inquire in to the charges framed against Sri P. Hiram Isreal, AEE PR, In respect of misappropriation of Government funds in execution of works under EAS and MPLADS grants, and absconded from duties. The Executive Engineer, PRI division, Kakinada has appointed as presenting Officer to present the case before the Inquiry **Authority** i.e., Superintending Engineer, PR Circle, Kakinada under Sub rule 20(5) © of APCS (CC&A) Rules 1991.

In the ref. 2nd cited, notice has been issued regarding fixing of date for conduct of inquiry to the Presenting Officer and as well as to the Accused Officer to present before the Enquiry Authority on 23.06.2018 at 10.00 am with all relevant evidential documents.

Accordingly, the Presenting Officer, i.e. Executive Engineer, PRI division, Kakinada and the charged officer i.e. Sri P. Hiram Isreal, the then AEE / MEO, MPP, Malkipuram have attended on 23.06.2018 at 10.00 am before the Enquiry Authority.

During, conduct of Inquiry the following points were observed and noted, based on the available evidential documents.

Presenting Officer's remarks :

"The presenting Officer i.e. Executive Engineer, PRI Division, Kakinada has stated that as per the available records and as seen from the records produced by the Executive Engineer, PR Division, Amalapuram and the Mandal Parishad Dev. Officer, Mandal Praja Parishad, Malkipuram were observed and noticed that the records pertaining to this case are not available in full shape, and hence the replies were given for the charges framed against the AO".

Article - I**Charge:**

That Sri P.Hiram Isreal, AEE of Zone-II now (U/S) while working as MEO, MPP, Malkipuram has misappropriated Government funds to a tune of Rs. 90,177/- in the execution of 5 works under EAS grant during 2000-01.

Basis:

The District Collector, East Godavari, Kakinada has reported that Sri P.Hiram Isreal, AEE of Zone - II while working as MEO, MPP, Malkipuram has taken huge amounts as advance for execution of 5 works under EAS grant from SB Account No. 13830 of Andhra bank, Malkipuram and misappropriated Government funds to a tune of Rs. 90,177/-. Totally he has drawn an amount of Rs. 3,27,170 and executed the works worth of Rs.1,83,508/- and purchased material worth Rs. 53,485/-. He left the works at the middle stage and proceeded leave on medical grounds w.e.f. 4.1.2001 without handing over the charge, material or balance of amounts to his successor. As such he failed to discharge his legitimate duties and caused to huge financial loss to Government.

Presenting Officer's Reply:

The Allegations contained in article I of the charges are specifically denial, the allegations in article I are not true and correct according to the judgment of 1st class judicial magistrate of Razole, EG District in CC No: 24/2004.

Enquiry Officer's observations in Article I of Charge:

It is observed that, according to the Judgement given by the 1st class Judicial Magistrate, Razole in CC No. 24/2004, the Accused Officer not proven any allegations framed against him and he was not found guilty.

Further, as per the records produced by the Presenting Officer, the Accused Officer has not found for committing any misappropriation of funds.

Article - II**Charge:**

That the Mandal Engineering Officer has further misappropriated Government funds an amount of Rs. 67,867/- in execution of 2 works in MPLADs during the same period 2000-01.

Basis:

That the Superintending Engineer, PR, Kakinada has reported that Sri P.Hiram Isreal, AEE while working as MEO, MPP, Malkipuram further drawn an amount of Rs. 1,17,239/- towards execution of two works under MPLADs from SB Account No: 13835 of Andhra Bank, Malkipuram. He executed the works for the worth of Rs. 38,097/- and purchased the material to a tune of Rs.11,275/- and misappropriated government funds to a tune of Rs. 67,867/- and left the works at middle stage. He proceeded on leave w.e.f. 04.01.2001 without handing over charge, material and balance amount to his successor. Even after issue of several memos, he has not turned up to duty and failed to discharge his duties and violated the conduct rules and caused for financial loss to Government.

Presenting Officer's Reply:

The Allegations contained in article 2 of the charges are specifically denied, the allegations in article 2 are not true and correct according to the judgment of 1st class judicial magistrate of Razole, EG District in CC No: 24/2004.

Enquiry Officer's observations in Article II of Charge:

It is observed that, according to the Judgement given by the 1st Class Judicial Magistrate, Razole in CC No. 24/2004, the Accused Officer not proven any allegations framed against him and he was not found guilty.

Further, as per the records produced by the Presenting Officer, the Accused Officer has not found for committing any misappropriation of funds.

Article - III**Charge:**

That the above Mandal Engineering Officer absconded from duty w.e.f. 04.01.2001 without prior sanction or approval of the competent authority and violated Andhra Pradesh Civil Services (Classification, Control 7 Appeal) Rules, 1991.

Basis:

That the Superintending Engineer, PR, Kakinada has reported that Sri P.Hiram Isreal, AEE of Zone-II while working as MEO, MPP, Malkipuram has misappropriated government funds to a tune of Rs.1,58,044/- in execution of works under EAS grants and MPLADs and absconded from duty w.e.f. 04.01.2001 and left the works at the middle stage. Initially he proceeded on leave on medical grounds w.e.f. 04.01.2001 and extended upto 2/2001 and there on he has neither extended his leave, not returned to duty. The Superintending Engineer, PR, Kakinada instructed to submit his explanation and directed to attend for enquiry on 27.07.2001. But the Mandal Engineering Officer has not attended to enquiry and the postal authorities redirected the Registered Notice and with remarks 'No such addressee,

hence returned to sender. As such the Mandal Engineering Officer intentional misappropriated Government funds and absconded duty and not turned to duty even after issue of serval instructions.

Presenting Officer's Reply:

The Allegations contained in article 3 of the charges are specifically denied, the allegations in article 3 are not true and correct according to the judgment of 1st Class judicial magistrate of Razole, EG District in CC No: 24/2004.

Enquiry Officer's observations in Article III of Charge :

While conducting Inquiry, the Presenting Officer stated that he was absconded from duty without prior permission from the any competent authority w.e.f. 04.01.2001.

The Accused Officer, humbly given reply by folding his two hands, stating that he was mentally disturbed at that time for several allegations blamed on him, for that he was not given any intimation to the authorities for his absence to the duties, meanwhile he got many problems from his family side also, his wife was also given false statements and to mislead the AO's existence. Finally he said that "I was not committed for any misappropriation of funds for execution of works by my will and whims".

CONCLUSION about the case:

The Case was filed in the year 2001. The Executive Engineer, PRI Kakinada has informed No documentary evidence is available to prove that the amount was misappropriated to a tune of Rs. 90,177/- for executive of 5 EAS works and Rs. 67,867/- for executive of 2 MPLADs works in 2000-01. No copies of M.Books, Bank Accounts, vouchers showing the receipt of advance amounts are not available relating the charges levelled against the Accused Officer.

The Executive Engineer PRI division Kakinada has submitted the following records are herewith enclosed for favavour of information.

- 1) Copy of the A.P State Gazette No: 22, Dt: 2.6.2005 through which it was notified the charges against the individual.
- 2) Suspension Progs No: d.II(1)6588/2001, Dt:12.9.2001 of the ENC, PR, Hyderabad.
- 3) FIR Copy CC No: 24/04 filed by Mandal Parishad Development Officer, MPP, Malkipuram.
- 4) Copy of Judgment and affidavit submitted by the witnesses Sri Ramaiah, former DEE, PRISD, Razole & Smt. V. Vijaya Lakshmi, former Mandal Parishad Development Officer, MPP, Malkipuram.
- 5) Judgment Copy of CC No; 24/2004, Dt: 04.08.2016 of Judicial Magistrate of First Class, Razole.

As per the records available and Judgement given in CC No. 24/2004, Dt: 04.08.2016 by the 1st Class judicial Magistrate, Razole, the AO has not committed any misappropriation of funds and found not guilty for allegations framed against the AO. Further, the circumstances explained by the AO at Article III of charge while conduct of inquiry on 23.06.2018 may be considered on humanitarian grounds as the individual got retirement on attaining the age of superannuation by 31.12.2015 if he was in service.

Date: 23-06-2018.

B.V.S. CHIRANJIVI,
Enquiry Officer,
Superintending Engineer,
PR, Circle Kakinada.

To
Sri P. Hiram Isreal, AEE, PR *through* Engineer in Chief, Panchayat Raj,
Andhra Pradesh, Vijayawada.

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